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IN THE

# Supreme Court of the United States

OCTOBER TERM, 1957

No. [redacted] 64

PERMIAN BASIN PIPELINE COMPANY,
a Corporation,
*Appellant*,

v.

RAILROAD COMMISSION OF TEXAS
and THE ATLANTIC REFINING COMPANY,
a Corporation,
*Appellees.*

*On Appeal From the Court of Civil Appeals for the Third Supreme Judicial District of Texas, at Austin*

## APPELLEES' REPLY TO APPELLANT'S BRIEF IN OPPOSITION TO APPELLEES' MOTION TO DISMISS OR TO AFFIRM

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IN THE

# Supreme Court of the United States

OCTOBER TERM, 1957

No. 994

PERMIAN BASIN PIPELINE COMPANY,
a Corporation,
*Appellant,*

v.

RAILROAD COMMISSION OF TEXAS
and THE ATLANTIC REFINING COMPANY,
a Corporation,
*Appellees.*

*On Appeal From the Court of Civil Appeals for the Third Supreme Judicial District of Texas, at Austin*

## APPELLEES' REPLY TO APPELLANT'S BRIEF IN OPPOSITION TO APPELLEES' MOTION TO DISMISS OR TO AFFIRM

Appellant attempts to give some substance to its claim that a federal question is presented by completely distorting the Common Purchaser Act and the orders of the Railroad Commission entered there-

under. Appellant asserts that the statute and orders "compel Appellant to purchase . . . gas" (p. 3) and that the statute and orders "in fact contemplate and require the Railroad Commission to regulate the price at which Appellant purchases gas in the field" (p. 5). Neither assertion is correct; appellant simply attempts to rewrite the statute and orders of the Commission in an effort to bolster its case.

Appellant is not required to purchase gas in the Puckett-Ellenberger field. The Railroad Commission here states, as it has always stated, that appellant may cease purchasing gas tomorrow.

Moreover, if appellant chooses to purchase gas from the field it may purchase such total amount of gas as it desires to purchase and no more, provided only that it purchases ratably. The Railroad Commission here states, as it has always stated, that it has no power to force Permian to purchase any specified total amount of gas.

The "price" that Permian pays for the gas it takes from the Puckett-Ellenberger field has been fixed by the Federal Power Commission. The Railroad Commission here states, as it has always stated, that it has no authority to fix the price paid by Permian for the gas that it purchases.

The only power the Railroad Commission has sought to exercise here is the power to insure ratable production in the field by requiring Permian to take ratably from all producers in the Puckett-Ellenberger field *such gas as it chooses to take, at the price fixed by the Federal Power Commission.*

It is self-evident from the foregoing that no federal question is presented.

Respectfully submitted,

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